

**VOLUNTARY RESOLUTION AGREEMENT**  
**Seattle School District**  
**OCR Reference No. 10161217**

The Seattle School District (the district) enters into this agreement (the agreement) to resolve the allegations in a complaint (OCR Reference No. 10161217) filed with the U.S. Department of Education, Office for Civil Rights (OCR), under section 504 of the Rehabilitation Act of 1973 (Section 504) and title II of the Americans with Disabilities Act of 1990 (Title II). The signing of this agreement does not constitute an admission by the district of any violation of Section 504 or Title II or any other law.

**REMEDIAL PROVISIONS**

A. Policies and Procedures

1. The district will review and revise its policies and procedures to ensure that students with disabilities are not treated differently from non-disabled students with respect to the length of the school day, unless a shortened school day is determined as necessary to meet the individualized needs of a particular student with a disability consistent with Section 504 and Title II regulatory requirements for making such decisions. In particular, the district's policies and procedures will ensure that students with disabilities who receive specialized transportation will not arrive to class later, or leave class earlier, than the start and end of instructional time for the district's general education program, due to transportation schedules for buses serving those students or other administrative reasons.

Reporting Provisions:

- a) By March 1, 2017, the district will submit to OCR a copy of its proposed policies and procedures for OCR's review and approval. If OCR requires any revisions to the proposed policies and procedures, the district will make the revisions and resubmit the policies and procedures within 20 days of receiving OCR's notice of the revisions. OCR and the district will repeat this procedure until OCR approves the revised policies and procedures.
- b) Within 90 calendar days of receiving OCR's approval of the policies and procedures, the district will provide OCR with a report demonstrating its adoption of them. At a minimum, the report will include a copy of the final policies and procedures, documentation showing the district's adoption of the policies and procedures, and a copy of the notice sent to all employees regarding the revised policies and procedures.

2. The district will review and revise its policies and procedures to ensure students with disabilities are not treated differently from non-disabled students and required to use separate entrances and exits that are not used by general education students, unless the use of a separate entry or exit is for a legitimate, non-discriminatory reason, such as documented individual student safety reasons, or as determined necessary to meet the individualized needs of a particular student with a disability consistent with Section 504 and Title II regulatory requirements for making such decisions.

Reporting Provisions:

- a) By March 1, 2017 the district will submit to OCR a copy of its proposed policies and procedures for OCR's review and approval. If OCR requires any revisions to the proposed policies and procedures, the district will make the revisions and resubmit the policies and procedures within 20 days of receiving OCR's notice of the revisions. OCR and the district will repeat this procedure until OCR approves the revised policies and procedures.
- b) Within 90 calendar days of receiving OCR's approval of the policies and procedures, the district will provide OCR with a report demonstrating its adoption of them. At a minimum, the report will include a copy of the final policies and procedures, documentation showing the district's adoption of the policies and procedures, and a copy of the notice sent to all employees regarding the revised policies and procedures.

B. Transportation Plan and Use of Building Entrances and Exits for Disabled Students

1. The district will develop a transportation plan to ensure that students with disabilities who use specialized transportation at XXXXXXXX and XXXXXXXXXXXXXXX are not treated differently from non-disabled students with respect to the length of the school day, unless a shortened school day is determined as necessary to meet the individualized needs of a particular student with a disability consistent with Section 504 and Title II regulatory requirements for making such decisions.

Reporting Provisions:

- a) By July 31, 2016, the district will submit a proposed transportation plan to OCR for its review and approval that demonstrates that the district is not treating disabled students who receive specialized transportation differently than other students. The

proposed transportation plan must ensure that the buses for the disabled students are departing school grounds at a time that does not require disabled students who receive specialized transportation to leave class earlier than general education students, unless their individual IEP or 504 plan requires such an exception. The proposed transportation plan should include class start and end times and the dismissal bell schedules for XXXXXXXXX and XXXXXXXXX along with each special transportation route's respective pickup and drop-off times for these schools. If OCR requires any revisions to the proposed transportation plan, the district will make the revisions and resubmit the transportation plan within 20 days of receiving OCR's notice of revisions. OCR and the district will repeat this procedure until OCR approves the transportation plan.

- b) Within 60 calendar days of receiving OCR's written approval of the transportation plan, the district will provide OCR with a report demonstrating its implementation of the transportation plan. The report will include at a minimum: each specialized bus route pickup and drop-off times for XXXXXXXXX and XXX and a list of all disabled students who will leave class earlier than general education students.
2. The district will conduct a review to determine if any students with disabilities at XXXXXXXXX are required to use entrances and exits that are separate from the ones used by general education students, unless the use of a separate entry or exit is for a legitimate, non-discriminatory reason, such as documented individual student safety reasons, or as determined necessary to meet the individualized needs of a particular student with a disability consistent with Section 504 and Title II regulatory requirements for making such decisions. If the district determines there is no legitimate, non-discriminatory reason for a disabled student's use of a separate entry or exit, the district will immediately end the different treatment, allow the disabled student to use the same entry and exits used by general education students, and send a letter of apology to the parent(s) or guardian(s) of the affected student, including information and notice about the new entrances and exits the student may use.

Reporting Provisions:

- a) By March 1, 2017, the district will submit a report to OCR for its review and approval that identifies whether any student with a disability from XXXXXXXXX are required to use entrances and exits that are separate from the ones used by general education students. As part of this report, the district will also submit a legitimate, non-discriminatory reason for the different treatment of each individual disabled student identified, supported by documentation justifying the differential treatment. If OCR determines that a reason provided for a particular student is not legitimate

and is discriminatory, then within 20 days of written notification from OCR, the student will be allowed to use the entrances and exits used by general education students.

- b) Within 75 days of submitting the report required in B (2)(a), the district will submit to OCR for its review and approval a draft apology letter, if necessary, to send to all students and their parent(s) or guardians(s) identified in B(2)(a) who were required by the district to use a separate entrance or exit without a legitimate, non-discriminatory reason. If OCR requires any revisions to the draft apology letter, the district will make the revisions and resubmit the draft apology letter within 20 days of receiving OCR's notice of the revisions. OCR and the district will repeat this procedure until OCR approves the apology letter.
- c) Within 15 days of receiving OCR's written approval of the apology letter, the district will send by first class regular mail an apology letter to all students and their parent(s) or guardian(s) identified by OCR in B(2)(a) as required by the districts to use separate entrances and exits without a legitimate, non-discriminatory reason for the differential treatment.
- d) Within 30 days of receiving OCR's written approval of the apology letter, the district will submit to OCR documentation demonstrating that it has sent an apology letter to all students and their parent(s) or guardian(s) identified by OCR in B(2)(a) as required by the districts to use separate entrances and exits without a legitimate, non-discriminatory reason for the differential treatment.

### C. Training

Within 90 calendar days of adopting the policies and procedures described in Section A above, the district will provide training to special education, Title II, Section 504, building, and transportation administrators and other appropriate district employees about the district's newly revised policies and procedures adopted pursuant to Section A above. This training may be conducted electronically via webinar.

Reporting Provision: Within 75 days of receiving OCR's written approval of the policies and procedures described in Section A above, the district will submit a report to OCR describing the training that includes: the date and time of the training, the name and qualifications of the person providing the training, a copy of the materials provided to participants, a list of participants with position titles, and for any employees who were not able to attend the training, a list of these employees and a description of the district's plan to provide them with the training.

D. Compensatory Instructional Time

1. The district will conduct a review of all disabled students at XXXXXXXX and XXXXXXXX who used special transportation services during the 2015-2016 and/or 2016-2017 school years to determine if the students received less instructional time than their general education peers, due to transportation schedules for buses serving those students or other administrative reasons. In conducting the review, the district will gather the instructional start and end times for these students during the school years, and compare those times to the instructional start and end times for the general education program at the same school attended by each student with a disability who utilized specialized instruction. In determining the actual instructional start and end times for the students with disabilities who receive specialized transportation, the district will consider the bell schedule, the bus pick up/drop off times, information on early releases or late starts provided informally by the teachers, whether students have a different instructional time or hours provided for in their IEPs, and other information the district believes will affect the instructional time that is necessary for these students.

Reporting Provision: By April 3, 2017, the district will provide OCR with a report for its review and approval, documenting the results of the review that it conducted pursuant to section D (1) above. The report will contain sufficient information to demonstrate that the district considered each of the factors described in section D (1) when determining the instructional time received by students with disabilities who use specialized transportation as compared to students in general education classrooms at XXXXXXXX and XXXXXXXX. The report will identify the students from each school who require compensatory instructional time and the amount of instructional time for each student as calculated by the district. The district may provide copies of student IEPs or other information to OCR to document why some individual students may be receiving or have received appropriate instructional time that reflects a shorter school day than the general bell schedule for the school. If OCR requires any revisions to the report, the district will make the revisions and resubmit the report within 20 days of receiving OCR's notice of the revisions. OCR and the district will repeat this procedure until OCR approves the report.

2. For any student eligible for compensatory instructional time as identified in the district's review pursuant to Section (D)(1), the district will develop a compensatory instructional plan for each student who missed instructional time due to their use of special transportation services during the 2015-2016 school year or the 2016-2017 school year. The compensatory instructional plan will include the student's instructional time amount, proposed dates and times of delivery for the compensatory instructional time,

the service provider type, and type of instructional services to be given to the student during the compensatory instructional time.

Reporting Provision: Within 60 days of receiving OCR's written approval of the report required by (D)(1), the district will submit to OCR for its review and approval the proposed compensatory instructional plan for each student identified as needing compensatory instructional time. If OCR requires any revisions to the proposed compensatory instructional plan(s), the district will make the revisions and resubmit the proposed compensatory instructional plan(s) within 20 days of receiving OCR's notice of revisions. The district and OCR will repeat this procedure until OCR approves the compensatory instructional plan(s).

3. The district will send a written notice to the parent(s) or guardian(s) of all students who are eligible for a compensatory instructional plan to offer the parent(s) or guardian(s) the additional instructional time for the student and describe the method the district will use to provide the compensatory instructional time. The notice will allow the parent(s) or guardian(s) no less than 30 days to respond to the district's offer of compensatory instructional time.

Reporting Provisions:

- a) Within 15 days of receiving OCR's written approval of the compensatory instructional plan(s), the district will submit to OCR for its review and approval a proposed notice for the parent(s) or guardian(s). If OCR requires any revisions to the proposed notice, the district will make the required revisions and resubmit the proposed written notice within 20 days of receiving OCR's notice of revisions. The district and OCR will repeat this procedure until OCR approves the notice.
  - b) Within 15 days of receiving OCR's written approval of the notice, the district will send the notice(s) to the parent(s) or guardian(s) by regular, first class mail or e-mail.
  - c) Within 15 days of sending the notice(s) to the parent(s) or guardian(s), the district will provide OCR with documentation demonstrating that it sent the notice(s) to the parent(s) or guardian(s).
4. The district will implement the compensatory instructional plan for each student whose parent(s) or guardian(s) accepted the district's offer.

Reporting Provision: Within 120 days of sending the notice(s) described in Section (D)(3), the district will provide a report to OCR documenting its implementation of the compensatory instructional plan(s). The report will include at a minimum the dates, times and locations that the compensatory instructional time was provided to students,

the name of the attending students, each student's current school of enrollment, a description of what instruction was provided to each students, and the name(s) and qualifications of the service providers. The report will also contain a list of the parent(s) and guardian(s) who declined the district's offer to provide additional instructional time to their student, the parent(s) and guardian(s) contact information, and the reason(s) provided by the parent(s) or guardian(s) for not accepting the additional instructional time.

## **OTHER PROVISIONS**

- E. The district understands that by signing this agreement, it agrees to provide OCR data and other information in a timely manner. Further, the district understands that during the monitoring of this agreement, OCR may visit the district, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the district has fulfilled the terms of this agreement and is in compliance with Section 504 and Title II and the implementing regulations at 34 C.F.R. 104.4(b)(1)(ii)-(iv), 34 C.F.R. 104.4(a), 28 C.F.R. 35.130(a), 28 C.F. R. 35.130(b) (ii)-(iv) which were at issue in this case.
- F. The district understands that OCR will not close the monitoring of this agreement until OCR determines that the district has fulfilled the terms of this agreement and is in compliance with Section 504 and Title II and the implementing regulations at 34 C.F.R. 34 C.F.R. 104.4(b)(1)(ii)-(iv), 34 C.F.R. 104.4(a), 28 C.F.R. 35.130(a), 28 C.F. R. 35.130(b) (ii)-(iv) which were at issue in this case.
- G. The district understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings, including enforcing the specific terms and obligations of this agreement. Before initiating administrative enforcement (34 C.F.R. 100.9, 100.10), or judicial proceedings, including to enforce this agreement, OCR shall give the district written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.
- H. This agreement will become effective immediately upon the signature of the Superintendent or his designee below.

**Signed:**

/S/

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Dr. Larry Nyland  
Superintendent, Seattle School District

December 16, 2016

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Date